



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

APR 25 1996

REPLY TO THE ATTENTION OF:

(AR-18J)

Mr. Dale Ziege
Bureau of Air Management
Department of Natural Resources
101 South Webster Street
Box 7921
Madison, Wisconsin 53707

Dear Mr. Ziege:

This letter is in regards to your request for a determination by the United States Environmental Protection (USEPA) on the Wisconsin Department of Natural Resources (WDNR) using "equivalent gallons" as a form of compliance demonstration. Equivalent gallons has been used to limit Potential to Emit (PTE) in New Source Review Construction Permits, Title V Operating Permits, and Federally Enforceable State Operating Permits (FESOPS). It also is being used to demonstrate compliance with "Reasonably Available Control Technology (RACT)".

In our analysis of the rationale and concept behind equivalent gallons, we reviewed Section NR 422.04 of the Wisconsin Administrative Code and found four State Implementation Plan (SIP) approved methods of determining compliance for RACT. Those four methods listed in NR 422.04 do not include equivalent gallons. The WDNR has not demonstrated that the equivalent gallons method is as stringent as the other methods approved into the SIP. Thus, the equivalent gallons approach does not appear to be a recognized method approved into Wisconsin's SIP for determining compliance with RACT. Similarly, this method cannot be used to determine compliance with your overall Part D SIP program, e.g., your 15 percent plan.

Furthermore, the equivalent gallons approach does not follow the June 13, 1989, memo from John Seitz, entitled "Guidance on Limiting Potential to Emit in New Source Permitting". This memo states that, "limitations must be stated as conditions that can be enforced independently of one another." The equivalent gallons method is not consistent with this policy. Equivalent gallons utilizes a product of multiple parameters to develop a limit. Each of those parameters cannot be enforced independently, since the limitation is based on the product of those parameters and not on each one.

In summary, we find that emission limits calculated through the equivalent gallons method are neither independently enforceable nor shown to be at least as stringent as approved methods in the SIP. Therefore, this method cannot be used to limit PTE emissions in FESOPS, Title V, Prevention of Significant Deterioration, Part D New Source Review, Offset, or Synthetic Minor Permits. We trust the WDNR to take the necessary steps to ensure that equivalent gallons are not used in the future.

If you have any further questions regarding this letter or would like to discuss the matter further, please contact Laura Gire at (312) 886-5031.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Robert Miller". The signature is fluid and cursive, with the first name "Robert" and last name "Miller" clearly distinguishable.

Robert Miller, Chief
Permits and Grants Section